In the Supreme Court of the United States.

OCTOBER TERM, 1899.

CHARLES F. CHAMPION, APPELLANT,
v.
JOHN C. AMES, UNITED STATES MARSHAL. } No. 360.

MOTION TO ADVANCE.

This proceeding grew out of an indictment against the appellant found in the district court of the United States for the northern district of Texas, on April 13, 1899, charging said Champion and another person with transporting and causing to be transported and depositing for the purpose of being transported, certain lottery tickets, advertisements, etc., from Dallas, Tex., to Fresno, Cal., and other places, in violation of section 5440 of the Revised Statutes of the United States and of the act of March 2, 1895 (chap. 191), 28 Stats., 963. He was apprehended in Chicago, Ill., and brought *habeas corpus* proceedings to prevent his removal to Texas for trial. After hearing by the circuit court of the United States for the northern district of Illinois, the writ was discharged, and Champion remanded to the custody of the

marshal. From such order and judgment he takes this appeal.

He was released on bail in the sum of $1,000 on June 22, 1899.

The case involves the constitutionality of the "interstate lottery act" of March 2, 1895, above referred to.

A number of cases against various persons for violations of the "interstate lottery act" are pending in different districts throughout the United States, and are held pending the decision of the court herein.

In accordance with rule 26, section 3, the Solicitor-General respectfully moves the court to advance the case on the docket and set it down for hearing on a day convenient to the court during the present term.

Opposing counsel concur in this motion.

JOHN K. RICHARDS,
Solicitor-General.

JANUARY 5, 1900.

No. 106. Q. 2

Motion to reassign.

Supreme Court U. S.
FILED
NOV 12 1900
JAMES H. McKENNEY,
Clerk.

Filed Nov. 12, 1900.

In the Supreme Court of the United States.

OCTOBER TERM, 1900.

No. 106.

CHARLES F. CHAMPION,
Appellant,

vs.

JOHN C. AMES,
U. S. Marshal.

Motion to re-assign case for January 14, 1901.

This case involves the constitutionality of the Act of Congress of March 2, 1895, "For the suppression of lottery traffic through national and interstate commerce and the postal service," etc. (28 Stat. 963), as applied to the facts appearing in the record herein, namely, the transportation other than by mail of advertisements and tickets. This court in *France* v. *United States*, 164 U. S., 676, 683, held that it was not necessary to decide the question as to the constitutional power of Congress to pass the act. The present case presents this question squarely, and is now assigned for hearing on December 3, 1900.

The undersigned counsel for the appellant was detained by illness from his office for five months from April 13 to October, 1900, and now finds that by reason of professional engagements it will be impracticable for him to make adequate preparation to properly

present this case for argument on the day for which it is set down. Application is therefore made, with the courteous concurrence of the Government, to have the case re-assigned for hearing on January 14, 1901.

Washington, November 12, 1900.

WILLIAM D. GUTHRIE,
Of counsel for appellant.

Please take notice that the foregoing motion will be presented to the Supreme Court of the United States at the Capitol in the City of Washington, on the 12th day of November, 1900, at the opening of court on that day, or as soon thereafter as counsel can be heard, and that application will then and there be made for the relief asked in said motion.

Dated November 9, 1900.

WILLIAM D. GUTHRIE,
Of counsel for appellant.

TO THE ATTORNEY-GENERAL OF THE UNITED STATES.

Due and timely service of the foregoing motion and notice thereof is hereby admitted.

Washington, November 9, 1900.

Attorney-General.